**PRIVACY AND COOKIE POLICY
FOR THE KW.INFO SERVICE
(hereinafter referred to as the “Privacy Policy” or the “Policy”)**

**General Information and Declarations**

This document sets forth the principles of the Privacy Policy applicable to the website operated at the following address: kw.info. For the purposes of this Policy, the website kw.info shall hereinafter be referred to as the “**Service**” or the “**Online Service**.”

The controller of personal data (hereinafter also referred to as the “**Controller**” or the “**Data Controller**”) is Property Octopus LLC, with its registered seat in Newark, Delaware, United States, at the following address: 112 Capitol Trail, Suite A, Newark, DE 19711, USA, registered in the State of Delaware under registration number 10135309.

Terms capitalized in this Privacy Policy that are not otherwise defined herein shall have the meanings assigned to them in the *Terms and Conditions* of Service available on the Service (hereinafter referred to as the “**Terms and Conditions**”), unless expressly stated otherwise in this Policy.

Personal data collected by the Controller are processed in accordance with the laws applicable in the jurisdiction of the Controller’s registered office.

This Privacy Policy is continuously available on the Service in a manner that allows it to be accessed, reproduced, and stored by printing or saving it on a data carrier at any time.

The Services and functionalities made available by the Controller on the Service, including in particular the ability to place a Service Order, are intended for individuals who are at least 16 years of age. The Controller does not knowingly collect personal data from children under the age of 16.

The Controller provides the Services of the Service exclusively to Entrepreneurs (as defined in the Terms and Conditions).

The Controller makes every effort to protect the privacy and information entrusted to it, in particular with respect to Users (including Clients). The Controller exercises due diligence in selecting and applying appropriate technical measures, including in particular software-based and organizational measures, to ensure the protection of processed data, especially to safeguard data against unauthorized access, disclosure, loss, destruction, unauthorized modification, or processing in violation of applicable laws.

Due to the nature of the Services offered via the Service, the Controller also processes data for which it does not act as the data controller within the meaning of the applicable law, but as a data processor. This applies in particular to personal data entrusted to the Controller directly by Users – especially data obtained by the Service Provider (the Data Controller) in the course of providing the Search Service. In such cases, the Service Provider processes the data as a processor – acting on behalf of the Client. The Client entrusts the Service Provider with personal data for that purpose. In relation to such data, it is the User or another entity acting as the data controller that determines the principles for personal data processing.

**Contact with the Controller**

Contact with the Controller regarding matters related to personal data is possible via:

* Email: contact@kw.info,
* Traditional mail addressed to: 112 Capitol Trail, Suite A, Newark, DE 19711, USA.

**Personal Data**

**Purposes and Legal Bases for Personal Data Processing**

The Data Controller processes personal data for the following purposes and on the following legal bases:

* For the performance of a contract and to take steps at the request of the data subject prior to entering into a contract – including in particular the provision of Services or other deliverables offered by the Controller. Regardless of the manner and scope of the concluded Agreement, the Controller processes personal data provided by the data subject at the time of entering into the Agreement, as well as other data submitted or otherwise made available in connection with the performance of the Service, such as full name, email address and payment information.
* For the provision of Services and functionalities that do not require direct interaction – such as browsing the Online Service’s web pages, content, or Services. For this purpose, the Controller processes personal data related to the activity of the person within the Service, including viewed content or Services, session data, operating system, browser type, location, unique ID and IP address.
* For the purpose of determining the scope and compiling statistics on the use of individual functionalities of the Service and Services, facilitating or otherwise optimizing the use of the Service and to ensure the IT security of the Service – the Controller processes, in particular, personal data related to the User's activity on the Service, including usage of the Service infrastructure and its elements, time spent on each subpage, search history, clicks, location, IP address, device ID, browser and operating system data. Such data are processed on the basis of the legitimate interests pursued by the Controller or a third party, including improving the quality of the Services provided, increasing Service efficiency and security, as well as building and maintaining positive relationships with Users.
* To establish, pursue, or defend against legal claims in court proceedings or before other enforcement authorities – for this purpose, the Controller may process personal data provided by the User through the Service, data obtained during communication with the Controller, including when placing a Service Order, as well as data necessary for the conclusion and performance of the Agreement, and data relating to the use of Services and functionalities (including data entered or collected in particular parts and resources of the Service). Such data are processed based on the basis of the legitimate interests pursued by the Controller or by a third party, specifically the ability to establish, pursue, or defend against claims in court or and other state authorities.
* To handle complaints, requests, and respond to User inquiries – for this purpose, the Controller processes personal data provided in communications from Users (e.g., emails, SMS messages, complaints, requests, and questions submitted in other forms). This includes personal data related to the Service Order that is the subject of the complaint or request and any data included in documents attached to such complaints, requests, and inquiries. The legal basis for processing this data is the legitimate interest of the Controller or a third party in lawfully addressing claims, responding to comments or questions, improving the quality of the Services, and building positive relationships with Users.
* To place and settle Service Orders and Agreements and their performance – the processing of such data is necessary for the fulfillment of legal obligations imposed on the Controller, particularly obligations under tax and accounting regulations, especially in connection with the settlement of paid Services.
* When entering into contracts as part of its business activities, the Controller may obtain personal data or receive such data from Clients or contractors concerning persons involved in the performance of such contracts (e.g., contact persons or collaborators involved in the provision of Services). The scope of the data is in each case limited to what is necessary for the performance of the Agreement and typically includes only the person’s name and professional contact details (e.g., business email or telephone number).
* For the purpose of the Administrator’s use of cookies on the website. Since the Service uses only strictly necessary cookies, the legal basis for such processing is the legitimate interest pursued by the Controller or a third party in enhancing the quality of the Services, as well as the efficiency and security of the Service. Further details regarding the use of cookies are provided in the relevant section of this document, which sets out the rules governing their use and is available within the Service.

**Categories of Relevant Personal Data**

The Data Controller processes the following categories of relevant personal data:

* Contact information, including data provided in the electronic Order form and other forms (if any are made available by the Service Provider) on the Service;
* Data related to activity on the Service;
* Data related to Orders placed via the Service;
* Data related to the performance of Services;
* Data related to billing and payments;
* Data related to complaints and requests.

**Voluntary Nature of Providing Personal Data**

Providing the required personal data by the User is voluntary but constitutes a condition for the provision of Services by the Controller through the Service.

The provision of certain data is a prerequisite for the use of specific Services offered by the Controller. Mandatory fields are marked in the Order forms available within the Service. Failure to provide such data will result in the inability of the User to place an Order and, consequently, in the inability of the Controller to provide the relevant Services. Apart from the data marked as mandatory, the provision of any other personal data is voluntary.

**Data Retention Period**

Personal data will be processed for the period necessary to fulfill the Orders, Services, and other activities performed on behalf of the User. The data retention period may also result from applicable legal provisions. Where data are processed on the basis of the Controller’s legitimate interest – e.g., for security purposes – the data shall be processed for a period that enables the fulfillment of that interest or until an effective objection to the processing is raised. Where data are processed on the basis of consent, processing shall continue until the consent is withdrawn. If the processing is based on the necessity to enter into and perform a contract, the data will be processed until the contract is terminated or expires.

Personal data will be deleted in the following circumstances:

* When the data subject requests erasure or withdraws their consent;
* When the data subject has not engaged in any activity for more than 10 years (inactive contact);
* Upon receiving information that the data held are outdated or inaccurate.

Some data may be processed for a period during which potential legal claims may be asserted or defended against, including for evidentiary purposes related to claims arising from concluded Agreements, including the provision of Services by the Controller, as well as for the purpose of handling complaints or other formal requests – until the expiration of the relevant limitation period. These data shall not be used by the Controller for marketing purposes.

Data related to paid Service Orders, insofar as they are necessary for maintaining accounting records and fulfilling tax obligations, will be retained for the period required under applicable law, in particular accounting and tax regulations.

Data collected through cookie mechanisms, other online identifiers, and similar technologies are stored for a period corresponding to the lifespan of the cookies stored on the User’s device or until such cookies are deleted by the User. Details on the lifespan of individual cookies can be found in the provisions concerning cookies, set forth in a separate document governing the rules of their use, available within the Service.

**Recipients of Personal Data**

A recipient shall mean any natural or legal person, public authority, agency, or other body to whom personal data are disclosed, regardless of whether it is considered a third party.

Due to the necessity of entering into and performing Agreements, personal data processed by the Controller may be disclosed to the following categories of recipients:

* Public authorities, such as the prosecutor’s office or the police, if they formally request such data from the Controller and provide a valid legal basis for the request;
* Service providers cooperating with the Controller, in particular for the purposes of performing Agreements, operating the Service and its functionalities, including the Search Services, as well as payment processing and enabling the use of the Service:
	1. Providers responsible for the proper maintenance of the Controller’s IT infrastructure and telecommunication systems;
	2. Entities providing accounting services to the Controller;
	3. External payment operators acting on behalf of the Controller;
	4. Other external entities (third party) cooperating with the Controller in the course of its business activities. Depending on the contractual arrangements and circumstances, such entities may act either on behalf of the Controller or independently determine the purposes and means of processing.

Each of these service providers independently defines the rules of its own privacy policy.

A detailed list of service providers may be made available by the Controller upon request from the data subject.

Personal data transferred outside the territory of the European Economic Area (EEA) will be safeguarded to ensure that the receiving entities guarantee a high level of personal data protection. Such safeguards include, in particular, adherence to the European Commission’s Standard Contractual Clauses or the use of Binding Corporate Rules duly approved by the competent supervisory authority. The methods of data protection comply with the requirements of applicable law. The data subject may request additional information from the Controller concerning the safeguards applied in this respect, obtain a copy thereof and be informed of the locations where the data have been disclosed. The Controller will additionally notify the data subject at the point of data collection about the intention to transfer personal data outside the EEA.

**Data Subject Rights**

The data subject has the right to:

* Request access to their personal data;
* Request rectification of their personal data;
* Request erasure of their personal data;
* Request restriction of the processing of personal data;
* Object to the processing of personal data;
* Request data portability;
* Withdraw consent to the processing of personal data;
* Lodge a complaint with a supervisory authority.

**Details Regarding Specific Rights**

1. **Right of Access to Personal Data**

The data subject may obtain confirmation from the Controller as to whether their personal data are being processed and, where this is the case, is entitled to:

* Access their personal data;
* Receive information about the purposes of processing, categories of processed personal data, recipients or categories of recipients, the planned retention period or the criteria used to determine it, the rights of the data subject, the right to lodge a complaint with a supervisory authority, the source of the data, any automated decision-making including profiling, and safeguards applied in connection with the transfer of data outside the European Union;
* Obtain a copy of their personal data.
1. **Right to Rectification of Personal Data**

If the personal data are inaccurate, the data subject has the right to request that the Controller rectify them without undue delay. The data subject may also request that the Controller complete such data.

1. **Right to Erasure of Personal Data**

The data subject may request the erasure of their personal data when:

* The personal data are no longer necessary for the purposes for which they were collected or otherwise processed;
* The data subject has withdrawn their consent to the extent the processing was based on that consent;
* The personal data were processed unlawfully;
* The data subject objects to the processing of their personal data for direct marketing purposes, including profiling, to the extent the processing is related to such direct marketing;
* The data subject objects to processing carried out for the performance of a task carried out in the public interest or for the purposes of legitimate interests pursued by the Controller or a third party.

Despite a request for erasure, the Controller may continue to process the data where necessary for the establishment, exercise, or defense of legal claims and the data subject will be informed accordingly.

1. **Right to Restrict Processing of Personal Data**

The data subject may request restriction of the processing of their personal data when:

* The accuracy of the personal data is contested – in which case the Controller will restrict processing for the period necessary to verify the accuracy of the data;
* The processing is unlawful and the data subject opposes the erasure of the data and instead requests the restriction of their use;
* The Controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise, or defense of legal claims;
* The data subject has objected to processing – pending verification of whether the legitimate grounds of the Controller override those of the data subject.
1. **Right to Object to the Processing of Personal Data**

The data subject may object at any time to the processing of their personal data, including profiling, in connection with:

* Processing necessary for the performance of a task carried out in the public interest or for the purposes of legitimate interests pursued by the Controller or a third party;
* Processing for direct marketing purposes.
1. **Right to Data Portability**

The data subject has the right to receive their personal data from the Controller in a structured, commonly used and machine-readable format and to transmit those data to another data controller. The data subject also has the right to request that the personal data be transmitted directly from the Controller to another data controller, where technically feasible.

1. **Right to Withdraw Consent**

The data subject has the right to withdraw previously given consent to the processing of personal data at any time. Withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

1. **Right to Lodge a Complaint with a Supervisory Authority**

If the data subject believes that the processing of their personal data violates applicable data protection laws, they have the right to lodge a complaint with a supervisory authority, in particular in the Member State of their habitual residence, place of work, or the place of the alleged infringement.

**GENERAL INFORMATION ON THE USE OF COOKIES IN THE ONLINE SERVICE**

While browsing the Service, cookies are being used. Cookies are small text files stored on the User’s end device in connection with the use of the Online Service.

The Service uses only essential cookies, which are utilized in particular to provide the service explicitly requested by the User.

These files primarily enable the identification of the software used by the User and allow the functionalities of the Online Service to be tailored individually to their needs.

Cookies typically contain the domain name from which they originate, the time they are stored on the device and a unique identifier.

During the User’s visit to the Service, a notification will be displayed informing that the Service uses cookies.

**Security and Types of Cookies**

The cookies used by the Controller are safe for the User’s devices. In particular, they do not allow viruses or other unwanted or malicious software to access the User’s devices.

Within the Online Service, the Controller uses two types of cookies:

1. **Session Cookies** – These are stored on the User’s device and remain there until the session of the specific browser ends. Once the session ends, the stored information is permanently deleted from the User’s device. The session cookie mechanism does not allow the collection of any personal data or confidential information from the User’s device.
2. **Persistent Cookies** – These are stored on the User’s device and remain there until they are deleted. Ending the session in a given browser or turning off the device does not result in the removal of these cookies from the User’s device. The persistent cookie mechanism does not allow the collection of any personal data or confidential information from the User’s device.

**The Controller uses only essential cookies**. Users who do not consent to their use should discontinue use of the Service.

The Controller utilizes third-party essential cookies provided by: Stripe, Inc., headquartered at 354 Oyster Point Boulevard, South San Francisco, California, 94080.

Detailed information on the possibilities and methods of managing cookies is available in the settings of the User’s web browser software.